



# **REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI COMMERCIAL & ADMIRALTY DIVISION**

**CIVIL CASE NO. 394 OF 2011**

**MEREKA & CO. ADVOCATES ::::::::::: ADVOCATE/APPLICANT**

**-VERSUS-**

**ENGINEER A.S. KITOLOLO**

**T/A KITOLOLO CONSULTANTS ENGINEERS ::: RESPONDENT**

## **RULING**

1. The Notice of Motion application before the court is dated **21st August 2002** filed under Order 51 Subsection 2 of the Advocates Act. The application seeks the following orders:-
  1. *That the Honourable Court be pleased to enter Judgement for amount of Kshs.19,163.02/= in the suit herein in terms of the certificate of costs dated 9th August 2012.*
  2. *That pursuant to the Judgement, a decree be issued for enforcement/execution.*
  3. *That the costs of this application be in the cause.*
2. The application is premised on the several grounds set out therein and is supported by **affidavit** of **DAVID MUKII MEREKA** dated **17th August 2012**. The application is not opposed.
3. I have seen a copy of the Certificate of Taxation dated 9th August 2012 annexed as DMM1 for Kshs.19,163.02 in support of the application. In my view the application is merited. A lawful process of taxation took place as deponed to in the supporting affidavit and which taxation returned a verdict of Kshs.19,163.02/=. The jurisdiction of this court is now only to enter the said taxed costs as Judgement of this court in the absence of any opposition.
4. In the upshot I enter judgement in terms of prayers number 1 of the application for Kshs.19,163.02 and direct that a decree be issued for enforcement on execution. Cost shall remain in the cause.

Orders accordingly.

**READ, DELIVERED AND DATED AT NAIROBI**

**THIS 31ST DAY OF JULY 2014**

**E. K. O. OGOLA**

**JUDGE**

**PRESENT:**

M/s for Applicant Wang'ombe

Mtr. Akhulu for Respondents

Teresia – Court Clerk